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SUBJECT: IMPLEMENTATION OF EU TRACEABILITY AND LABELING
REGULATIONS IN SPAIN

REF: STATE 93453

1. In response to reftel request for information on implementation and enforcement of the new EU Traceability and Labeling (T&L) for food and feed regulations, we talked to the Spanish Food Safety Agency, the Spanish Food and Beverage Federation and the Spanish Feed Compounders Association regarding Spain's experience.

Government View: The Spanish Food Safety Agency

2. We spoke with Jose Ignacio Arranz Recio, number two in the Spanish Food Safety Agency (AESA), an autonomous agency attached to the Ministry of Health and Consumer Affairs. Arranz explained the GOS plan for implementing the new T&L regulations. The players involved are the AESA, which provides overall direction, the autonomous communities (regional governments), which are responsible for oversight and testing in their territories (e.g., screening products on supermarket shelves), the Ministry of Health's External Health Service, which screens products at the port of entry into Spain, the Ministry of Health's National Consumer Affairs Institute, which oversees labeling compliance, and the Ministry of Agriculture's Directorate General for Livestock, which oversees implementation of the regulations on feed.

3. AESA has drawn up a list of food products subject to screening, which include various soy, flour and corn-based products. The products screened and number of samples taken will vary from region to region. Samples will be tested by public and private laboratories deemed capable of using the AESA-recommended methods for detecting proteins and DNA (methods include ELISA, PCR, and RT-PCR). AESA is a member of the European Network of Genetically Modified Organisms' Laboratories (ENGL), and AESA in turn is creating a national network of approved labs. If a region does not have an approved lab, samples can be sent to the AESA or to one of the approved labs in another region. AESA will review the efficacy of the system every three months through December 2004 and make recommendations to improve system deficiencies.

4. Regarding sanctions, Arranz explained that when the problem is false or misleading information provided in labeling, the GOS will refer to the labeling regulations. If the problem detected is introduction of a variety not authorized by the EU, the GOS will apply sanctions spelled out in existing national public health regulations. Arranz said that the GOS is not coordinating enforcement issues with other EU member states.

5. The AESA developed with the Spanish Food and Beverage Federation and the Ministry of Agriculture a guide for businesses, regional governments and consumers spelling out the T&L regulations and listing the varieties currently authorized by the EU as well as those pending authorization. Arranz confirmed that the AESA is the point of contact for private sector inquiries regarding implementation or enforcement of T&L regulations in Spain (website is www.msc.es/aesa).

6. When asked about transposition of new T&L regulations into national law, Arranz said that EU regulations are applied directly in EU member states.

Food Industry View: The Spanish Food and Beverage Federation

7. Spanish Food and Beverage Federation (FIAB) Food Law Director Pilar Velazquez reported that most of FIAB's members have reformulated products to avoid labeling. In fact, she is aware of no companies that are labeling, either for the domestic or third country markets. Velazquez confirmed that FIAB worked closely with the AESA and the Ministry of Agriculture to develop its informational handbook on T&L regulations and said that FIAB's members are generally concerned about complying with the norms. She expects that once the testing carried out by the Spanish national and regional governments, as well as that done by "activist" groups, starts to reveal results, producers will discover that, although they did not know it, some of their product

inputs have GMO content.

18. Velazquez characterized the Spanish government as "unenthusiastic" about the T&L regulations, but expected that the GOS will implement and enforce them "properly" to avoid criticism from consumer and environmental groups. Velazquez confirmed our understanding that Spanish consumers are not overly concerned about biotech issues, and thought that after a year or two of T&L implementation, industry may feel more comfortable with sourcing cheaper GMO inputs and labeling their final products.

Feed Industry View: The Spanish Feed Compounders Association

19. Jorge Saja, the head of the Spanish Feed Compounders Association, told us his organization produced pamphlets for its members containing guidance on how to comply with the new T&L regulations. He reported that the Association's members have not reformulated their products, and are successfully labeling where there is GMO content. Saja explained that in the case of products produced during the 2003 market year, feed compounders are labeling where there is any uncertainty at all over the potential biotech content of inputs. For market year 2004, feed factories are getting detailed information on all inputs, and will label where there is verified GMO content.

ARGYROS